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Attorneys for Defendant Kingston Technology Company, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

e.Digital Corporation,

Plaintiff,

v.

Kingston Technology Company, Inc.,

Defendant.

Case No. 3:13-cv-2906-H-BGS

**DEFENDANT KINGSTON  
TECHNOLOGY COMPANY,  
INC.'S NOTICE OF  
WITHDRAWAL OF MOTION  
(DKT 17) AND REQUEST TO  
REMOVE THE ASSOCIATED  
HEARING DATE OF APRIL 21,  
2014, 10:30 A.M.**

**Assigned to the Honorable  
Judge Marilyn L. Huff**

**Courtroom 15A (Annex)**

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR  
2 THE SOUTHERN DISTRICT OF CALIFORNIA:

3 Pursuant to Local Civil Rule 7.1(f), Defendant Kingston Technology  
4 Company, Inc. ("Defendant") hereby presents this notice to withdraw its motion to  
5 dismiss filed on March 20, 2014 (Dkt #17) (the "Motion To Dismiss") and to  
6 removal of the associated hearing date of April 12, 2014, 10:30 AM.

7 On December 5, 2013, Plaintiff initiated the instant case.

8 On February 26, 2014, Plaintiff filed an *ex parte* motion for extension of  
9 time for Defendant to answer or otherwise respond Plaintiff's original complaint  
10 until March 28, 2014 (Dkt #15).

11 On March 10, 2014, the Court issued an order granting extension until  
12 March 20, 2014 (Dkt #16).

13 On March 20, 2014, Defendant filed its Motion To Dismiss Plaintiff's  
14 Complaint dated December 5, 2013 for failure to state a claim pursuant to Federal  
15 Rules of Civil Procedure 12(b)(6) (Dkt #17).

16 In response to Defendant's Motion To Dismiss, Plaintiff filed an Amended  
17 Complaint under Federal Rules of Civil Procedure 15(a)(1) on March 21, 2014,  
18 more than three months after its original complaint (Dkt. #18).

19 In view of Plaintiff's filing of an amended complaint, Defendant hereby  
20 withdraws its March 20, 2014 motion and respectfully requests that the associated  
21 hearing date of April 12, 2014, 10:30 AM be removed from the Court's calendar at  
22 this time.

23 Pursuant to Federal Rules of Civil Procedure 15(a)(3), Defendant will  
24 answer or otherwise respond to Plaintiff's Amended Complaint, including filing a  
25 motion to dismiss Plaintiff's Amended Complaint.

1 Dated: March 26, 2014

Respectfully submitted,

2  
3 /s/ Breton A. Bocchieri

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21 **ATTORNEYS FOR DEFENDANT**  
22 **KINGSTON TECHNOLOGY**  
23 **COMPANY, INC.**  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV 5.4(d) and served via the Court’s electronic filing system on all counsel who have consented to electronic service on this the 26th day of March, 2014.

/s/ Christine Yang